

APR 29 2010

MOLLY C. DWYER, CLERK  
U.S. COURT OF APPEALS**JUDICIAL COUNCIL  
OF THE NINTH CIRCUIT****IN RE COMPLAINT OF  
JUDICIAL MISCONDUCT**

Nos. 09-90075 and 09-90076

**ORDER****KOZINSKI**, Chief Judge:

Complainants have filed a lengthy, mostly incoherent misconduct complaint typed in several different fonts of varying size. It is supported by hundreds of pages of photocopies featuring excerpts of everything from the rules of evidence to Gray's Anatomy. The allegations tucked away inside this prolix filing are difficult to discern, but complainants seem to allege that a district judge and magistrate judge made various improper substantive and procedural rulings. These charges relate directly to the merits of the judges' rulings and must therefore be dismissed. See 28 U.S.C. § 352(b)(1)(A)(ii); Judicial-Conduct Rule 11(c)(1)(B). A misconduct complaint is not the proper vehicle for challenging the merits of a judge's rulings. See In re Charge of Judicial Misconduct, 685 F.2d 1226, 1227 (9th Cir. Jud. Council 1982).

Complainants also appear to allege that the judges conspired with defendant and defense counsel, claiming that they "eliminated suit and they also had

constipiracy [sic]” with the defendant. Complainants list several individuals in New Zealand and Korea to contact about these allegations but never say how these individuals can support their claim. In the absence of coherent allegations or even a basic idea of what information will be found, any inquiry would be an aimless fishing expedition. This bare list of names does not, therefore, constitute the sort of objectively verifiable proof necessary to support a misconduct allegation. See In re Complaint of Judicial Misconduct, 569 F.3d 1093, 1093 (9th Cir. Jud. Council 2009). Because there is no evidence that misconduct occurred, these charges must be dismissed. See 28 U.S.C. § 352(b)(1)(A)(iii); Judicial-Conduct Rule 11(c)(1)(D).

Complainants’ allegations against defendant and defense counsel are dismissed because this misconduct complaint procedure applies only to federal judges. See Judicial-Conduct Rule 4; In re Charge of Judicial Misconduct, 569 F.3d at 1093.

Finally, complainants’ requests to reopen the case and extend discovery are not cognizable under the misconduct complaint procedure. See Judicial-Conduct Rule 3(h); In re Charge of Judicial Misconduct, 567 F.3d 429, 431 (9th Cir. Jud. Council 2009).

**DISMISSED.**